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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 January 1990]

El Salvador

1. The violation of Human Rights is a common occurrence in El Salvador, but there has been a notable increase recently.

2. In 1980, the armed conflict began with the forces that are now grouped within the Farabundo Marti National Liberation Front, in an attempt to put an end to the unjust economic and social structures of El Salvador and as a reaction against the killings that were taking place against any kind of defenceless citizen in the opposition, sponsored by the forces of repression.

3. The people's war exacerbated the repression. In the early 1980s, the Death Squads indiscriminately assassinated opponents of the Government. In recent years, however, there has been a noticeable increase in the selectivity of the army, which has recently been targeting its repression at trade union leaders, peasants and activists of the left.

4. On 1 June 1989, Alfredo Cristiani became President of the Republic, from the extreme party, the Nationalist Republican Alliance (ARENA), and this has marked new belligerence on the part of the reactionary forces, expressed in new ferocity in repression.

5. Although there had already been over 300 disappearances in the course of the year, the new criminal offensive launched by the army and the Death Squads have made new and macabre additions to the list.

Killings

6. On 13 February 1989, in the settlement of El Chupadero, canton Los Encuentros, jurisdiction of Dulce Nombre de Maria, department of Chamatenango, soldiers from the Atlacatl Battalion attacked a hospital belonging to the FMNL campaign. The occupants tried to escape but they were in shooting range and were assassinated at the entrance of the dwelling; those killed included Dr. Alejandra Bravo Bretancourt Mancera, 35 years old and of Mexican nationality, and the assistant, Rosibel Dubon, 14 years old and Salvadorean. Given the injuries suffered by both women in the mammary and other regions, it is presumed that both suffered rape or attempted rape. Local residents also found the dead bodies of eight persons: three war-injured, two crippled in the war and three nurses.

7. Miquel Angel Lazo Quintanilla, a teacher and member of the National Teachers' Association, was seized on 22 February 1989 at 7 p.m. by members of the Air Force, in the city of Cresida, San Salvador. On 28 February, his dead body was found in La Pedrera, 38 km from the city of San Salvador, and was identified by his mother. Next to him, another dead body was found, which has still not been identified.

8. On 5 April 1989, Mrs. Maria Cristina Gomez, a member of the National Association of Teachers of El Salvador (ANDES), was captured by men in civilian clothes, who were armed and were driving a Cherokee vehicle, with the registration number 21295, in the school of John F. Kennedy of Santa Lucia (San Salvador). Her dead body was found a short distance from the Cuscatlan cemetery.

9. On 15 April 1989, 16 units of the FAS indiscriminately bombed a military health unit of the insurgent forces of the FMNL Front, situated in the Catarina estate, jurisdiction of San Ildefonso, Department of San Vicente. In the operation, members of the air force captured, tortured and illegally executed the medical personnel who had been providing medical assistance there. The victims include: Gustavo Ignacio Isla Casares, an Argentine doctor, Magdeleine Lagadec, a French nurse and Maria Cristina Hernandez (16 years old), a Salvadorean medical assistant. Also captured, injured and illegally executed were Carlos Gomez and Celia Concepcion Diaz Salazar, both civilians involved in educational work and community assistance for the civilian population the area.

Detention-enforced disappearance

10. Mateo Diaz Bernal, 20 years old, a worker at the Proyecto La Ribida and a member of the leading junta of the trade union of construction workers of El Salvador, SOITCES, affiliated to FENASTRAS, was captured as he was leaving his place of residence in Soyapango on 20 February 1989. Evidence of habeas corpus was given to the national police and the plantation police, but no results were obtained. He has still not been found.

11. Rodolfo Mirando Aquino, also a member of SOITCES, was abducted on 24 February 1989 at 3.30 p.m., opposite the cathedral of San Salvador by men in civilian clothing who were heavily armed and were driving a Datsun vehicle, 4X4, red, with shaded windows and the registration number 56962. The mother of Mr. Miranda informed human rights activists that the plantation police had admitted that they had a car with that registration number but, although evidence of habeas corpus was given to the national police, no results were obtained.

12. On 3 April 1989, Mrs. Gloria Daysi Jaime, a member of the Unemployed People's Committee of El Salvador, was abducted by men in civilian clothes, who were armed, in San Miguelito, San Salvador. To date she has not been found.

Attacks against FENASTRAS

13. On 31 October 1989, at 12.15 a.m., a powerful explosive device was set off in the installations of the offices of the National Federation of Trade Unions of Salvadorean Workers - FENASTRAS - which destroyed the physical structure of the place, causing the immediate deaths of 6 people and seriously injuring 36 people. Of these, four later died in hospital. The names of the victims are: Ricardo Humberto Cestoni, 35 years old, Secretary of the Records of the Trade Union of Employees and Workers of ANDA (SETA); Rosa Hilda Amalia de Elias, 35 years old, a cook; Julia Tatiana Aquirre Mendoza, 22 years old, a member of the Gastronomic Trade Union; Vicente Salvador Melgar, 42 years old, Secretary of Social Work of SETA; Jose Daniel Lopez Melendez, 42 years old, Secretary for Disputes for FENASTRAS; Luis Edgardo Vasquez Marquez, a member of the General Trade Union of Bank Employees -SIGEBAN.

14. The following died later in hospital: Febe Elizabeth Velasquez, a member of the executive committee of the National Unit of Workers - UNIS - the only female member. Febe was widely known for her history of struggle for the people's movement of El Salvador; Maria Magdalena Rosales Senchez, 17 years old; Carmen Catalina Hernandez Ramos; Juan Tejada. The three had no known affiliation to the trade union movement.

15. The attacks that have been perpetrated are a continuation of a series of actions that are being sponsored by the armed forces against the people's movement. It is in this way that the statements made by General Rafael Humberto Larios, Minister of Defence and Public Security, can be interpreted; he stated in public that the workers would suffer the consequences of the attack launched by the FMNL on the headquarters of the armed forces.

16. At the same time, WFTU condemns the serious death threats made against Bishop Medardo Gomez, of the Lutheran Church of San Salvador, who, through his humanitarian work and defence of human rights, has been subject to persistent threats against his life.

Romania

17. WFTU and its member organizations were deeply shocked by the incredibly brutal repression of the peaceful popular demonstrations against Ceaucescu's tyrannical régime; it is estimated that about 10,000 innocent people were killed by the pretorian guard of the deceased dictator.

18. WFTU condemned this bloody and barbarous repression of the people of Romania.

19. It must be remembered that the Workers' Group in the ILO Governing Body was unanimous last November in accepting and nominating a Commission of Inquiry to investigate the violations of trade union rights and other human rights by the former Government of Romania.

20. WFTU extends its full support to the workers and the people of Romania in their struggle for democracy, for human rights and for the well-being of the population.

21. Already, members of WFTU in many countries are collecting money and goods for the Romanian workers and their families.

22. WFTU requests the Commission of Human Rights to consider the adoption of a pertinent resolution of support to the people of Romania, inviting the international community to offer all forms of assistance, in order to respond to the demands expressed by the Romanian people and their representatives, and to help them to restore and strengthen democratic institutions in that country, and to make democracy an irreversible form of Government.

Islamic Republic of Iran

23. WFTU is deeply concerned at the continuing serious violations of human and trade union rights in Iran. A number of trade union leaders and activists have died following physical attacks, imprisonment, torture or assassination. Attention is drawn to the following cases of assassination of trade unionists in 1989:

Dr. Djodat Hossein - physician, eminent leader of the Iranian trade union movement;

Razmdideh Assef - print worker, Secretary of the Liaison Commission of Trade Unions of Iranian Workers;

Moalem Hedayatollah - member of the Trade Union Council of Metal Workers;

Eslami Samad - member of the Azerbajdjan Workers' Committee;

Khavadjian Khachayar - member of the editorial board of the review of the Iranian trade union movement, "Ettehad";

READER FICHE

Moradpour Band-Ali - founding member of the corporation trade union of Teheran;

Tabatabai Said - trade union activist is Ispahan;

Zeighami Ali-Asghar - trade union representative of the Teheran Zamiad factory;

Kiai Ali-Reza - member of the trade union council of the Teheran petroleum plant;

Mrs. Darvich-Kohan Sorour - trade union activist in the Teheran Hoecht factory.

24. WFTU requests the Commission to examine thoroughly the violations of human and trade union rights in Iran and to take specific measures to improve respect for human rights in that country.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES.

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 February 1990]

COLOMBIA

1. Once again this year a very serious level of violations of human rights was noted in Colombia. By mid-November, at least 2,500 Colombian civilians had been assassinated, both by members of the armed forces and by the paramilitary forces. Another 300 people have disappeared. Colombia has had one of the highest rates of killings per capita. It should be remembered that in 1988, more than 1,500 of the 16,000 cases of homicide were political assassinations. A large number of the victims are trade unionists, either leaders or grassroots members, and mostly in the CUT (trade union federation). And we are not only referring to actual killings, but also to unsuccessful attempts at homicide, disappearances, abductions, cases of breaking and entering and intimidation.

2. In spite of overwhelming evidence, the Government of President Barco does not pay enough attention to influencing the course of events, and has left the criminal forces much room to manoeuvre. These forces, with over 100 death squads in their pay, equipped and trained by the extreme right, notorious officers in the armed forces and the drug traffickers, spread terror throughout the country.

3. Regarding the present human rights situation in Colombia, the truth is that there has been no major change, in spite of the efforts deployed by the Government. Thus, for example, the Government passed a number of decrees, and created an Advisory and Co-ordinating Committee for action against the paramilitary groups; it also set up a Special Armed Corps against the death squads and suspended the decree that had legalized the so-called self-defence groups. Even if these measures are positive, they are virtually a drop in the ocean when compared with the extent of the "dirty war" being endured by the Colombian people, victims of which include the following:

Benjamin Sotelo, José Francisco Mantilla Ojeda and José Santos Carepa, workers affiliated to the Miners' Trade Union of the district of Ataco, in the department of Tolima were victims of an attack launched on 9 May by mercenaries in this district in which Mr. Sotelo and Mr. Mantilla were killed and Mr. José Santos was injured.

Teodoro Quintero, lawyer for the national Acuas and Empos Trade Union, Sintracuemponal, Bucaramanga, disappeared on 11 May at 8.30 a.m. when he was forced to get into a taxi with the number-plate XK 9371, and was later found dead on the road that leads from Bucaramanga to the district of Piedecuesta, department of Santander.

Humberto Blanco Juliao, a teacher affiliated to the trade union organization Educadores Unidos del Magdalena, EDUMAG, a branch of the Centre, was assassinated in the courtyard of his home by three mercenaries belonging to the Maicopa paramilitary group, in the district of Plato, department of Magdalena, on 20 May.

Adolfo Perez Arosema and Carlos Enriqué Morales, journalists, assistants at the sub-leadership of the CUT in Valle, were found dead with visible signs of torture in the city of Cali, department of Valle, on 21 May.

Ismael Montes Pena and Evert Manuel Cabrera, a secondary school teacher and his pupil, respectively, were murdered on 23 May, by mercenaries in Guadual Way, in the hamlet of Los Manquitos, in the Arbolete district, region of Uraba and department of Antioquia, Mr. Montes was affiliated to the Schoolteachers' Association of Antioquia, ADIDA.

Cesar Arcadio Ceron Chantre, lawyer of the Trade Union of Workers of Inderena, SINTRARENA, of the Cauca branch, and member of the Human Rights Commission of that department; assassinated by mercenaries, who shot him twice in the head, on 10 June as he was leaving his residence in the city of Popayan, in the department of Cauca.

Laureano Santamaria and Jairo Leon Villegas, cashier and teacher, respectively, at the Necocli Rural Development Centre, in the department of Antioquia, disappeared on 15 June. The two officials were forced to leave the educational establishment and board an unknown vehicle.

Tomas Villa Vivero, a former worker at the La Suerte Estate and a former member of the workers-employers committee of the same, was affiliated to the National Union of Workers in the Food/Agriculture Industry, SINTRAINAGRO, a branch of the CUT. He was assassinated by a paramilitary group in the district of Apartado, in the department of Antioquia, on 18 July at 7 p.m.

Jorge Gonzales, Miguel Martinez and Torreglosa, peasants affiliated to the Trade Union of Small Farmworkers, SINPAGRI, disappeared in the settlement of Costa Oro, in the district of Tierra Alta, department of Cordoba, on 18 July. Up until present his whereabouts have remained unknown.

Maria Elena Diaz Perez, third Justice of the Peace, affiliated to the National Association of Judges and Employees of the Judiciary, ASONAL JUDICIAL, who was also in charge of the investigation into the Uraba and Cordoba massacres, assassinated in the city of Medellin by mercenaries when she was on her way home on 28 July.

Manuel José Zapata Carmona and Omar Leon Gomez Marin, lecturers at the University of Antioquia, affiliated to the Association of University Teachers, AUT, were assassinated by mercenaries in the Bello district, department of Antioquia, on 29 July.

Henry Cuenca Vega, a worker at the Cementos Valle enterprise, President of the National Federation of Cement and Construction Workers, FENALTRACONCEM, General Secretary of the Latin American Federation of Construction, Cements and Wood, FLEMACON, and member of the Board of Management of the CUT, was assassinated by three mercenaries in front of his residence in the city of Bogota, at 9.30 p.m. on 30 July. Mr. Cuenca had been the victim of an attack in the district of Yumbo.

Gilberto Santana, a School Head in the village of Algarrobo, affiliated to the United Teachers of Magdalena trade union organization, EDUMAG, a branch of the Colombian Teachers' Federation, FECODE, and the CUT, was assassinated by mercenaries at 6 a.m. in the district of Fundacion, department of Magdalena, on 10 August.

Ivan Restrefo and Fidel Roa, driver and worker at the Guatanuri banana plantation, respectively, affiliated to the National Trade Union of Workers in the Agriculture/Food Industry, SINTRAINAGRO, who had been abducted on 27 July, were found murdered in the Chigorodo district, department of Antioquia, on 10 August.

Daniel José Espitia and Fabio Miranda Pupo, General Treasurer of the National Association of Peasant Users, ANUC, and Co-ordinator of the Patriotic Union political organization in the district of Ayapel (Cordoba), respectively, assassinated by mercenaries at 6 p.m. on 9 August in the city of Monteria, department of Cordoba. Mr. Espitia was part of a delegation of peasants and natives that visited Europe last May and held a number of discussions with non-governmental organizations.

Gustavo De Jesus Mira Ramirez, educator in the service of the Education Secretariat of Antioquia, affiliated to the Association of Schoolteachers of Antioquia, ADIDA, assassinated by mercenaries as he was leaving the headquarters of the Trade Union of Peldar, in the city of Medellin, department of Antioquia, on 10 August.

Juan Rivera, Vice-President of the United Workers' Trade Union of the Construction Materials Industry, SUTIMAC, a branch of the CUT, was assassinated by three mercenaries in the district of Puerto Nare, department of Antioquia, on 11 August.

Orlando Roa Grimaldus, worker at the electric power station of Santander, an electrician, 30 years old, affiliated to the National Trade Union of Electricity Workers of Colombia, SINTRAELECOL, a branch of the CUT, was assassinated by three mercenaries on 13 August in the city of Bucaramanga, department of Santander, in the presence of his children.

PERU

4. The recession that is taking its bitter toll on the country, crippled by a huge foreign debt, excluded from international finance and submerged, since 1980, in one of the cruellest armed internecine conflicts, is creating the right culture medium for high-tension violence with no mercy, in which one of the contenders, The Shining Path threatens and executes. The armed forces, with increasing violence, hit out in all directions, in search of this ubiquitous enemy, and resort to cruel and reprehensible repressive methods outside of the law. There is proof that they promote the clandestine death squads, in complicity with officials from the party in power, such as the so-called Rodrigo Franco Command, in order to eliminate both the supposed subversives and their possible accomplices.

5. In this bloody conflict, there have been many innocent victims, including numerous trade union leaders and grassroots members, as well as intellectuals, priests and members of parliament. We draw the Commission's attention to several specific points:

(a) According to statistics from the National Co-ordinating Commission for Human Rights, The Shining Path has assassinated over 720 people since January 1989. In the same period, the Armed Forces claimed 590 victims that were supposed terrorists in combat. The National Police, for its part, reported 201 dead, 3 injured and 53 detainees.

(b) The terrorist group, Rodrigo Franco, linked to some elements of the armed forces and the present Government, which emerged on 28 July 1988, had, up until the end of October 1989, committed some 82 crimes, including bomb attacks and killings, according to a Commission from the Lower House of Parliament, the Chamber of Deputies.

(c) Since 1980, there have been some 15,000 deaths recorded, with economic losses for the country amounting to $US 13,000 million (taking into account both the direct and the indirect cost) as a result of the violence in the country.

6. In the following list we will indicate only a few of the most notable cases of violent deaths:

Manuel Febres Cordero, a lawyer and a member of the Association of Democratic Lawyers was shot dead in Lima on 28 July 1988. This was the attack by which the Rodrigo Franco Command first became known.

Saul Cantoral, General Secretary of the Miners' Federation and national leader of the CGTP, was assassinated in Lima on 13 February 1989.

Consuelo Garcia, teacher and founder of a centre for the wives of miners, was killed near Saul Cantoral.

Fidencio Coronel, leader of the large miners' centre of La Oroya, affiliated to the CGTP, was assassinated on 16 October 1988.

Seferino Requis, General Secretary of the Federation of Mineworkers of La Oroya, Fidencio Coronel's successor, was shot dead on 16 April 1989.

Antonio Cajachagua, General Secretary of the Mineworkers' Trade Union of Morococha, was killed on 8 May 1989.

Martha Crisostomo Garcia, a nurse, the last witness of the Cayara massacre, Ayacucho (May 1988, in which 29 peasants died and another 44 disappeared) was shot on 7 September 1989 by men in uniform.

Fermin Azparrent Taipe, mayor of Ayacucho, a teacher and founder of the CGTP (1968) was shot by criminals in September 1989.

Enrique Castilla Linares, General Secretary of the Union of Workers of a textile factory on the Carretera Central, Lima, was shot dead on 31 October 1989.

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Written statement by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 January 1990]

BRAZIL

1. The last year was marked by a wave of flagrant violations of human rights which left a toll of several thousands of persons assassinated, especially in the big cities. Some typical examples follow.

2. In July 1989, the councillor Lucia Maria Caninde asserted that at least 345 children and adolescents had been assassinated by extermination squads in the north-east districts of Rio de Janeiro. The State Secretary of Police, Helio Saboya, questioned the assertion, stating that only 153 children had been assassinated between 1986 and 1988.

3. In rural areas, in the course of eight years, about 1,000 murders have been committed by mercenaries contracted by landowners. These are resisting pressure from more than 12 million landless peasants, who are injustly being denied their property due to the fact there has been no real agrarian reform. The victims include the trade union leader and ecologist, Francisco "Chico" Mendes, assassinated on 22 December 1988; the lawyer of the landless peasants and socialist member of Parliament, João Carlos Batista, assassinated on 5 December 1988. In rural areas the case of the Yanomami Indians is also notorious, since these Indians have been decimated since 1975 by the gold prospectors who have invaded their territory.

4. There have been other killings in the country, such as that of the journalist Luiz Otavio Monteiro, who was investigating murders committed by the police. He was found shot dead on 29 December 1988. There is also the case of the trade union leader of public transport drivers, Alcidio Gomes, who was found dead in the western region of Grande São Paulo in August 1989. On 12 September 1989, the trade union leader, Valdicio Barbosa Dos Santos, from Puerto Canario, was assassinated in the place where he led the peasant trade union.

5. Among the violations of human rights in Brazil, can also be included:

- Injuries to 400 peasants in a military operation launched by the army on 9 March 1989, in order to dislodge 500 families who were occupying the Santa Elmira estate, in the State of Rio Grande;

- The mayoress of São Paulo, Luiza Erundina de Souza, received death threats, according to her report to the police (August 1989).

GUATEMALA

6. The arrival in 1986 of a civilian in the Government Palace did not erode the great influence of the military, which had acted as the merciless guardians of an unjust social order, using expedient measures to silence the voices of protest demanding real changes in the power structure, the democratization of institutions and a better distribution of wealth, etc.

7. The presidential summits held in the area, the agreements of Esquipulas II and the appeals of different international organizations have done little to produce a significant change in the pattern of systematic violations of human rights in Guatemala.

8. Workers, students, members of the clergy and intellectuals have been the targets of the repression which is an obstacle to any movement for a national dialogue to put an end to the slaughter and to the infuriating indifference to the most hard-felt democratic needs of the Guatemalan people.

9. The Centre for Studies and the Promotion of Human Rights (CIEPRODH) has indicated that, since January 1989, there have been over 1,200 reports of killings, torture, illegal detentions and disappearances. Guatemala has one of the worst records of the whole of the American continent, with several thousands of disappearances between 1966 and 1988.

10. Some facts, among a very long list, are given below.

Extrajudicial executions

11. On 31 October 1989, there was a multiple execution: in the Villa-Linda colony of Villa Canales, Guatemala, the corpses of the following persons were found: Abimael Regalado Guevara, 41 years old; Rigoberto Chacon Aguirre (Salvadorean); Belter Anibal - Cabrera Garcia, 28 years old; Abizahan Tomas Martinez, 30 years old, and Evelio Tomas Martinez, 27 years old. They bore signs of torture and strangulation with shoe laces. They had been killed only a matters of hours before being discovered. A type of pick-up truck was hidden by branches nearby, a Toyota, number plate P-194270, and inside the truck there were traces of blood and hair. Those killed were all agricultural workers from Jalpatagua, Jutiapa. They had been detained-disappeared by men in orderinary clothing on the same day at 15.00 hours in the village of El Coco, in Jalpatagua.

12. On 5 November 1989, the agricultural worker Lorenzo de la Cruz Gomez (aged 59), who had been detained-disappeared on 21 October 1989 by heavily armed men who took him from his home on the San Isidro estate, Santa Lucia Cotzumalguapa, Escuintla, was found dead at the above-mentioned estate.

Detainees-disappeared

13. On 2 November 1989, Roberto Rodriguez, a trade unionist at the footwear factory of Montecristo, was detained-disappeared in the capital by unidentified men who were driving a vehicle with an official number plate. He had previously received a death threat.

14. On 3 November 1989, Marcelo Marroquin Sanchez (aged 35), married, with six children, whose job was moving people from one estate to another, was going towards the Chatabel estate, Acatenango, Chimaltenango, heading for the district of Acatenango, when he was detained-disappeared by members of the army, according to the report given by his family.

15. On 6 November 1989, Mardoqueo Roca Quevedo (aged 37), agricultural worker, was travelling in a pick-up truck along the road to the Pacific and, when he arrived in Siquinala, Escuintla, four men intercepted him and took him away. No one knows where he was taken.

16. On 6 November 1989, Raymundo Giron Pena (aged 35), worker, was detained-disappeared as he was travelling from the city of Quezaltenango to the capital.

Other violations of human rights

17. A stick of dynamite exploded opposite the residence of the teachers' leader, Leonel Giron Sandoval, in Puerto Barrios, Izobal. He had previously received death threats.

18. On 30 October 1989, the trade union of the Agro Bank started a general strike because of the refusal of the authorities to sign the collective agreement. They also reported that they had been receiving threats of collective dismissals and intimidation. They are asking for international solidarity, of both a moral and a material nature.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Survival International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1990]

THE YANOMAMI INDIANS OF BRAZIL

1. Survival International, an organization for the protection of the rights of threatened tribal peoples in all regions of the world, has worked with and on behalf of the Yanomami in the Amazon Basin since Survival's establishment 20 years ago. We submit this statement to update the Commission on the urgent situation of the Yanomami in Brazil, who are faced with wholesale invasion of their land and their own physical destruction.

2. In the past several years, an estimated 45,000 Brazilian gold miners have invaded Yanomami territory, bringing with them disease, environmental degradation, and massive disruption of traditional Yanomami life. This invasion has been facilitated or tolerated by the Brazilian Government, despite domestic and international outcries.

3. The Brazilian Constitution states that Indians have a right to "their social organization customs, languages, beliefs and traditions, and aboriginal rights to the lands they traditionally occupy, it being the responsibility of the Union [the Brazilian federal government] to demarcate them, protect and guarantee respect for all their property". Traditional lands are defined as "those inhabited by them on a permanent basis, those utilized for their productive activities, those absolutely necessary for the preservation of environmental resources necessary to their well-being, and those necessary for their physical and cultural reproduction, according to their usages, customs and traditions".

4. While the Yanomami traditionally occupy and use 9.4 million hectares of land in Brazil, a presidential decree issued in February 1989 demarcated only 2.4 million hectares - in 19 separate and discontinuous areas - as Yanomami territory. The more than two-thirds of the Yanomami territory not demarcated is now considered "national forest" and is open to economic exploitation, including gold prospecting and mining.

5. There are numerous reports of armed confrontations between the 45,000 miners and the 10,000 Yanomami, and miners have also unwittingly brought in much disease. A medical team comprised of human rights groups and the government Indian agency, FUNAI, completed a preliminary examination of the Yanomami in January 1990 and noted an alarming spread of a frequently fatal and resistant strain of malaria, falciparum. Of the Yanomami tested, almost one in four showed the presence of malaria and two-thirds of the malaria cases are of the falciparum type. In addition to malaria, 80 per cent of those examined were suffering from intestinal parasites, 20 per cent from severe malnutrition, and 12 per cent from respiratory infections. There were also numerous cases of conjunctivitis, gastroenteritis, hepatitis and tuberculosis.

6. In October 1989, a judge from the 7th Federal Court in Brasilia issued an injunction requiring the Government to evict the miners from all territory traditionally occupied by the Yanomami. However, on 11 January 1990, the Government issued a ruling effectively reversing the court order and halting the evictions.

7. In addition, Brazilian President Jose Sarney signed a decree on 25 January 1990 creating a "garimpeiro reserve" to house miners removed from Yanomami territory. The reserve is illegal under the terms of the October 1989 court injunction as some of the area lies within Yanomami territory.

8. Despite press reports that as many as 10,000 of the gold miners have left Yanomami territory for other areas in Brazil and Guyana, other observers have reported that any so-called evacuation of miners is proceeding at a "snail's pace". There are also reports that the miners will not move to the new reserve area as they claim its gold reserves are almost exhausted.

9. There has been much discussion within United Nations human rights bodies about the need for "early warning" systems which could alert bodies such as the Commission on Human Rights to situations in which action is urgently required. Such warnings of the possible destruction of the Yanomami as a people have been made to the Commission for years, yet no effective action has yet been taken.

10. Survival International recognizes that the Brazilian Government has taken some steps to protect the Yanomami, but developments in the past few months indicate that these measures are wholly inadequate and that the Yanomami are at even greater risk today that at this time last year. Survival understands the competing demands and desperate economic situation of many non-Indian Brazilians and is sympathetic to the Government's efforts to deal with this situation. However, economic development cannot be built upon the corpses of the Yanomami.

11. Survival International respectfully urges the Commission to request additional information from the Government of Brazil regarding the situation of the Yanomami and the guarantees promised them under the Brazilian Constitution and fundamental international human rights norms. In addition, we appeal to the Government of Brazil to abide by the decisions of its own courts and to demarcate and protect all the Yanomami lands from destructive exploitation and invasion.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the World University Service, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1990]

PALESTINIAN HIGHER EDUCATION UNDER OCCUPATION: STATUS OF ACADEMIC FREEDOM AND HUMAN RIGHTS VIOLATIONS

Background

1. The status of the occupied territories under international law has an important bearing on the topic of Palestinian higher education under occupation. As the World University Service/International Commission of Jurists mission wrote in their 1984 report:

> "As for international law, indeed there are standards by which events generally in the West Bank and Gaza may be judged. The two main bodies of international law that have most bearing on the situation are: first, the law on occupation - i.e. that part of the laws of war which deals with military occupation and finds its main treaty expression in

the 1907 Hague Regulations and 1949 Geneva Convention IV; and second, international human rights law, including particularly treaties that bear on education such as the 1960 UNESCO Convention Against Discrimination in Education." */

2. In fact, the fundamental political reality in the West Bank and Gaza Strip is the Palestinian uprising, or in Arabic "Intifadah". Since 9 December 1987, the uprising has sought an end to the Israeli military occupation. At the same time the uprising has been the main engine driving international efforts to reach a just resolution to the Palestinian-Israeli conflict. It is generally accepted now, that the principal message which the Intifidah has sent to the occupation authorities and to Palestinians in the diaspora, is that a political solution should allow an independent State of Palestine to exist alongside the State of Israel.

3. Since the uprising, the school system has been seriously damaged by closures. The schools were ordered closed by the military for many months and set back children at crucial stages of becoming literate. The authorities continue to use the closure of educational facilities as a kind of collective punishment for Palestinian society, which prizes education very highly.

The overall situation of human rights

4. An examination of history illustrates how the human rights of the Palestinian population of the West Bank and Gaza have been consistently violated for the past 22 years of the military occupation. As will be further illustrated in the case of Palestinian higher education, the pattern of Israeli violations was evident before the advent of the Palestinian uprising, and simply increased in scale and intensity during the past two years.

5. During the period of the uprising, Israeli repression has touched every sector of Palestinian society as the Israeli military intensified its repressive tactics in a largely failed attempt to end a popular rebellion. There are general patterns of abuse which have escalated dramatically in the last two years:

(a) Killings by the Israeli Defence Force or Israeli settlers, including the use of lethal force and summary executions. As of 1 December 1989, the Israeli Information Center for Human Rights in the Occupied Territories (B'T'selem) recorded 616 Palestinians killed by army/settlers not including beating or tear-gas deaths. With these inclusions, Al Haq records 795 Palestinian civilian deaths caused by the army or settlers. In addition, a further 150 Palestinians have been killed by Palestinians for allegedly being collaborators.

(b) Mass and arbitrary arrests. About 50,000 Palestinians have been detained during the uprising (Al Haq and Israeli army statistics).

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*/ Roberts, Joergensen and Newman, Academic Freedom Under Israeli Military Occupation, WUS/ICJ, 1984, p. 14.

(c) Increased use of administrative orders, particularly administrative detention, deportation and house demolitions. About 9,000 Palestinians have been administratively detained, according to the Israeli army, and 58 deported during the past two years. From 9 December 1987 to 31 July 1989, B'T'selem has confirmed 248 houses demolished by the army and 98 sealed, stressing that "the figures should be treated as minimal numbers only".

(d) Closure of Palestinian schools, universities, charitable societies, trade union offices and press offices.

6. Since the uprising, all six universities in the occupied territories - Al Quds University, Birzeit University, Al Najah National University, Bethlehem University, Hebron University and Gaza Islamic University - have been closed by a succession of military orders. These universities serve over 14,000 students. Another 6,000 students attend other institutions of higher education, including United Nations Relief and Works Agency for Palestine Refugees in the Near East training centres, community colleges and polytechnics. All these institutions have also been closed for the past two years. On 3 February 1988, the military ordered West Bank schools closed until further notice and remained closed for a majority of the period in question.

7. The wholesale closure of universities, colleges and schools in the West Bank constitutes a grave violation of the human rights of the Palestinian population. Article 26 of the Universal Declaration of Human Rights defined education as a basic and irrevocable human right by stating without reservation that "everyone has a right to education".

8. It should also be pointed out that Israel is a signatory to a variety of international covenants: along with article 13 of the International Covenant of Economic, Social and Cultural Rights, the 1960 UNESCO Convention Against Discrimination in Education (art. 1) applies to all types and levels of education, as well as the 1966 International Convention for the Elimination of All Forms of Racial Discrimination (arts. 5 and 6). In its 1989 report, Al Haq points out that sustained closures violate article 43 of The Hague Regulations which oblige the occupying power to ensure the well-being of the occupied population.

9. The closure of universities and schools also violates existing local law. Jordanian law No. 16, which governs the administration of educational institutions, nowhere permits such action. Under military law the justification of the reprisals against Palestinian education has always been one of "security and public order".

Status of academic freedom

10. The primary form of discrimination in institutions of higher education is Israeli discrimination against the institutions and the faculty and students within them simply because these institutions and individuals are Palestinian. Forms of discrimination range from blocking access to the institutions, as was the case for the past two years, to subjecting these institutions to high taxes and customs duties from which Israeli universities receive refunds or subsidies and to censorship of books that are found in Israeli universities.

11. Since 1981, the authorities have explicitly banned the universities from carrying out teaching programmes for students in prison. Before that time, limited tutorial programmes existed, particularly at Birzeit University. In 1985-1986, that university, with the assistance of the International Committee of the Red Cross, attempted to revive prison education, particularly for administrative detainees, who should be subject to more liberal regulations. These attempts failed. Given the large number of students in detention, some repeatedly (about 50,000 Palestinians have been detained in the last two years: perhaps 1,500-2,000 are estimated to be students at institutions of higher education), the need for prison education was only more pressing in 1989.

12. Beyond the obvious limitation on freedom of association imposed by the two-year old closure on universities, there is an ongoing campaign on the part of the Israeli military to stop students and teachers from assembling to continue their studies in off-campus sites, whether homes, churches and mosques or other institutions. Responding to the closure, most universities have offered programmes of limited off-campus teaching. The closure of schools also spurred a vigorous programme of neighbourhood teaching throughout much of 1988.

13. The unprecedented extent of the military-ordered closures of the universities has been the most serious contravention of academic freedom. Closures are simple to sum up during this period: since 9 January 1988, all universities in the occupied territories have been closed by a succession of military orders. The year 1989 opened with a 20 January 1989 announcement by the Israeli authorities that all schools and universities would continue to be closed until further notice.

14. The right of faculty members to "carry out research without any interference" according to the WUS Lima Declaration, is abrogated by the closure of all university libraries and laboratories. Given the prevailing conditions in the occupied territories, the loss of the library cannot be compensated: it is a total loss.

15. Travel and therefore academic exchange and international contacts are for the universities and their faculty members subject to the whim of the military authorities. During the uprising, many locations have been placed under collective travel bans and there have been countless restrictions on individuals. Any individual can be refused permission to travel based on the decision of the intelligence services.

Record of human rights violations - 1989

16. On 20 January 1989, the civil administration in the West Bank ordered all schools and universities, including kindergartens, closed until further notice. (Kindergartens later re-opened.) This order was later extended on 17 March to 19 April 1989, and was followed by several unannounced military orders. When the authorities announced the phased re-opening of schools in mid-July 1989, there was no mention of universities. Since that time, several university administrators have had additional closure orders read to them by their respective military governors. The latest extended the closure of universities to 28 February 1990.

17. However, the "criminalization of education" is nowhere more evident than in the authorities' harassment of off-campus teaching. When soldiers or police stop students because they have books, invade buildings looking for "classrooms" or question teachers and warn them that they must not teach, there is no possible security rationale: it is education itself that is the criminal activity under scrutiny. This harassment tapered off in the latter part of 1989, possibly because of increased international attention on Israeli destruction of Palestinian education.

18. Teachers, students, and support personnel have all suffered the collective punishment of closure and have sought to make the best of a bad educational situation. At the same time, individual members of the universities communities have felt the full weight of human rights abuses by the occupation authorities, especially the Israeli Defence Forces (IDF) the intelligence service (Shin Bet), the police and the paramilitary border guards. In the period under consideration, the experience of the staff and students at the universities reflect the collective experience of the Palestinian community in the West Bank and Gaza Strip.

19. Birzeit University has confirmed 389 cases of detention of university students and staff in the two years under consideration. This figure is undoubtedly low, as the university has not received full information on student detentions due to the prevailing conditions: in particular, cases from Gaza are clearly under-reported. Gaza students consist of about 20 per cent of the student body.

20. Al Najah National University reports about 500 detentions over the past two years, and estimates as many as 200 administrative detainees, 16 lecturers from Al Najah have been detained. The Islamic University recorded 32 staff detentions by mid-1989, and hundreds of students detentions.

21. Detainees from the universities have been held in detention camps and prisons for varying lengths of time and have been subjected to different kinds of treatment. One outstanding trend emerges, however: an overwhelming majority of students and staff are detained without trial or indeed any judicial proceeding with the exception of prefunctory hearings to extend detention.

22. Administrative and deportation orders are subject only to administrative, rather than judicial, review. We thus conclude that arbitrary arrest is the prevailing form of detention of the university community.

23. In 1988-1989, Birzeit University reports that 38 students and 5 staff members have to date received administrative detention orders; however, at the time of writing, 52 people (46 students and 6 staff members) remain in detention without charge or awaiting trial. Some of these will undoubtedly become administrative detainees.

24. Al Najah University reports an even higher rate of administrative detention; the university estimates about 200 cases to date, or 100 each year.

25. The administrative detention of faculty members presents particularly clear evidence that faculty members are detained simply because of the expression of their political views. Dr. Samir Samir Hazboun, the Chairman

of the University's Department of Economics spent five months in administrative detention in Ansar III Ketsiyot (detention centre) from 9 October 1988-8 March 1989. He used his appeal session in the desert detention camp Ansar III to protest his administrative detention.

Conclusions and recommendations

26. The closure of Palestinian universities, as well as the all-out war Israel is waging against Palestinian education, are inextricably linked to the Israeli authorities' failed efforts to suppress the Palestinian uprising. The withdrawal of higher education is a collective punishment which the IDF sees as "an effective means of pressuring the population, the effectiveness of which increases as time passes". In other words, the authorities are acutely aware of the increasing damage to the society of the closure of educational institutions and in fact, callously calculate that Palestinian society will eventually become unwilling to pay the price.

27. These statements gather force with each passing month of closure. After two years of the uprising on the one hand and of enforced educational poverty on the other, it is now more obvious than ever that academic freedom and human rights are inexorably linked to the exercise of the right to self-determination.

28. In addition, given the gravity of the situation, one must conclude that the academic community world-wide in particular, and the international community in general must be more systematic and vigorous in their protests. There are many avenues that have not been explored; many voices that have not been heard.

29. The more classes each student takes without libraries or laboratories and under extraordinary conditions, the harder it is for the universities to maintain their academic standards. Enthusiasm and dedication aside, there is no subtitute for a university.

30. Israel's denial of higher education to the Palestinian population under occupation, as well as the repeated and lengthy closure of schools, is not only a breach of international law. It is "a penalty against the future" and as such affects both the future of Palestinian population and the future of peace in the region. We, therefore, request the Commission on Human Rights to continue with its condemnation of Israel for its repression of educational institutions and its attacks on the universities, schools and institutes and their closure, and to lend its prestigious weight to a call for the opening of the universities in the occupied territories and the application of the international instruments, including The Haque Regulations (1907), the Fourth Geneva Convention (1949), the UNESCO Convention against Discrimination in Education (1960), and the International Covenant of Economic, Social and Cultural Rights (1966).

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Union of Students, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 February 1990]

1. The International Union of Students would like to bring the attention of the Commission on Human Rights to the arrest and the imprisonment of Miss Rim of the Republic of Korea.

2. Rim Su Kyong, 23 years old, is a student of Western languages at the University of Foreign Studies in Seoul (Republic of Korea). She attended the 13th World Festival of Youth and Students, which was held in Pyongyang (Democratic People's Republic of Korea) from 1-8 July 1989, as an offici[illegible] delegate of the National Council of Student Representatives in the Republic of Korea, together with youth and students having different political, ideological, cultural and religious backgrounds from 176 countries and territories.

3. She crossed the demarcation line between the Democratic People's Republic of Korea and the Republic of Korea on 15 August at the armistice village of Panmunjom to return home and was taken into custody by the Republic of Korea authorities. She was harassed mentally and physically for more than 20 days and then put on trial under the National Security Law. She has done nothing

to endanger the security of the Republic. What she did during her stay in Pyongyang was to have a discussion with her colleagues in the north on the issues of national reconciliation and peaceful reunification of the country.

4. At the sixth round of trial, held on 22 January 1990, the authorities of the Republic of Korea sentenced her to 15 years imprisonment, in defiance of strong protest not only from students and lawyers of the Republic of Korea but from international public opinion. Such a decision is a serious violation of article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights.

5. We kindly request you to take all relevant measures within your competence to secure her freedom.